

By the Judgement of 11 January 2018 No. 1-II/2018 the Constitutional Court appraised constitutionality of Section 1 of Article 81¹ and Item 3¹ of Section 2 of Article 82 of the Criminal Procedure Code of the Russian Federation.

The contested provisions were the subject-matter of consideration insofar as on their basis the authorised person of a body of preliminary investigation, within the framework of the pretrial proceedings in a criminal case on a crime in the field of economic activity, decides on withdrawal and attaching as exhibits to the dossier of this criminal case and storage of items used for the production of goods, execution of works and rendering of services in carrying out entrepreneurial activity, which belong to a person, who is not a suspect, accused in this criminal case or a person bearing material liability for their actions under the law.

The Constitutional Court has recognised the contested norms as not contradicting the Constitution of the Russian Federation, so far as they contemplate that in deciding on their basis by the said authorized person on withdrawal, attaching to the dossier of a criminal case and keeping in the regime of storage as exhibits of items used for the production of goods, execution of works and rendering of services in carrying out entrepreneurial activity, which belong on legal grounds to persons, who are not suspects, accused in these criminal cases or persons bearing material liability for their actions under the law (juridical persons that are not controlled by suspects, accused or persons bearing material liability for their actions), the said exhibits must not be withdrawn from owners or possessors, if securing of their safety and carrying out the necessary investigatory actions with them, as well as prevention of their use for the commission of crimes do not require – bearing in mind their peculiarities and other circumstances of a specific case – such withdrawal; after carrying out the necessary investigatory actions with them which have required withdrawal they shall be immediately returned to the owner or possessor for responsible storage.